

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 19582 of 2007(F)

PETITIONER:

1. M.MANILAL,
SR. BRANCH MANAGER, KOLLAM DISTRICT CO-OPERATIVE
BANK LTD., ANCHALMOODU.
2. DAVID KUTTY K.G.,
SR. BRANCH MANAGER, KOLLAM DISTRICT CO-OPERATIVE
BANK LTD., OYOOR.
3. T.SURESHKUMAR,
JUNIOR ACCOUNTANT, KOLLAM DISTRICT CO-OPERATIVE
BANK LTD., ANCHALMOODU.
4. ASHOKAN B. NAIR,
RECOVERY OFFICER, KOLLAM DISTRICT CO-OPERATIVE
BANK LTD., HEAD OFFICE, KOLLAM.
5. T.SURESH BABU,
RECOVERY OFFICER, KOLLAM DISTRICT CO-OPERATIVE
BANK LTD., HEAD OFFICE, KOLLAM.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

1. THE PART TIME ADMINISTRATOR,
KOLLAM DISTRICT CO-OPERATIVE BANK, KOLLAM,
(THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES(G),
KOLLAM).
2. KOLLAM DISTRICT CO-OPERATIVE BANK LTD.,
KOLLAM, REPRESENTED BY THE GENERAL MANAGER.

BY ADV. SRI.B.VINOD,SC,KOLLAM DIST.CO.OP.BANK LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/07/2007, ALONG WITH COC NO. 845 OF 2007
THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX (WPC 19582 OF 2007)

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER NO. GM/001/84-85/19074 DATED 2.4.2007

EXT.P2 TRUE COPY OF THE ORDER NO. GM/001/84-85 DATED 7.4.2007

EXT.P3 TRUE COPY OF THE JUDGMENT IN WPC NO. 12119 OF 2007 DATED 11.4.2007

EXT.P4 TRUE COPY OF THE INTERIM ORDER IN WA NO. 1121 OF 2007 DATED 17.4.2007

EXT.P5 TRUE COPY OF THE CIRCULAR NO. GM/001/2007-08 DSATED 9.5.2007

EXT.P6 TRUE COPY OF THE FORM ANNEXED TO THE CIRCULAR DATED 16.5.2007

EXT.P7 TRUE COPY OF THE NORMS ALONG WITH COVERING LETTER DATED 16.5.2007

EXT.P8 TRUE COPY OF THE ORDER NO. CM/001/84-85/6043 DATED 5.6.2007

EXT.P9 TRUE COPY OF THE ORDER NO. GM/001/84-85 DATED 5.6.2007

2ND RESPONDENT'S EXHIBITS:

ANNEXURE R2(A) TRUE COPY OF THE OFFICE CIRCULAR NO. DGM III/956/98-99 DATED 8.6.2007

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 19582 OF 2007&
C.O.C. NO. 845 OF 2007

Dated this the 13th day of July, 2007

JUDGMENT

Heard counsel for the petitioners in the WPC and in the Contempt Case and standing counsel appearing for the respondent-Bank. The allegation of the petitioners is that indiscreet politically motivated transfers are made by the first respondent. This Court vide judgment in WPC No. 12119 of 2007 directed the Administrator first to frame norms for transfer and then to effect transfers wherever required. It was specifically mentioned that the case of those who have already been transferred should be reconsidered in the light of the norms to be framed later. The case of the petitioners is that though norms are framed, the transfers are made not in accordance with norms. Standing counsel appearing for the respondents submitted that five petitioners in W.P.C.No. 19582 of 2007 who have challenged their transfers have all completed three years in their respective stations and norms framed provide for transfer after three years. However, the case of the

petitioners is that they did not get the place of their choice, even though each of them exercised option.

2. I do not find any justification to proceed with Contempt Case because apparently the Part-time Administrator effected transfers in accordance with norms. Moreover it is specifically mentioned in the statement that 21 representations were received about transfer and four were given accommodation either in the station of their choice or in the nearby station of their choice. The fact that all employees could not be accommodated in the place of their choice does not mean that transfers effected are arbitrary or illegal. In the circumstances, Contempt Case is dismissed.

3. So far as the challenge against the transfers of the petitioners in W.P.C.No. 19582 of 2007 is concerned, it is admitted that all of them have completed three years in their respective station. Their only grievance is that even though they requested for posting in the stations of their choice, none of them was given his choice. However, petitioners have not pointed any favouritism done for others after rejecting their claim. The propriety and legality of the transfer given to a person by denying the station of his choice can be considered only

with reference to the relative claim of the person who is transferred to that station. Petitioners have no case that after declining the stations of their choice first respondent has transferred ineligible persons to such stations. In any case it is not for this court to conduct enquiry in this regard in writ proceedings. Moreover, even though massive number of employees are transferred, which is stated to be on account of retirements and changes required for effecting fast recovery of loans, only five have filed petition challenging the transfers which go to show that there is general acceptance of the transfers by the transferred employees. In any case, since first respondent is the Joint Registrar, I feel correction, if required, can be made by the higher authority, namely, Registrar of Co-op. societies. W.P. is therefore closed leaving freedom to the petitioners or any aggrieved employees to make specific cases of grievance before the Registrar of Co-op. Societies against improper transfer if any made and it is open to the Registrar to order changes.

(C.N.RAMACHANDRAN NAIR)
Judge

